

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)  
DUHRING RESOURCE COMPANY, )  
                               )  
                               )  
Plaintiff,                 )  
                               )  
and                         )  
                               )  
PENNSYLVANIA OIL AND GAS )  
ASSOCIATION,                 )  
                               )  
                               )  
Plaintiff-Intervenor,     )  
                               )  
v.                         ) Civil Action No. 07-314 Erie  
                               )  
THE UNITED STATES FOREST )  
SERVICE,                     )  
                               )  
Defendant,                 )  
                               )  
and                         )  
                               )  
ALLEGHENY DEFENSE PROJECT, )  
                               )  
                               )  
Defendant-Intervenor.     )  
                               )

ORDER

AND NOW, this 22 day of December, 2009, upon consideration of the parties' cross-motions for summary judgment and the briefs filed in opposition to and support thereof, IT IS HEREBY ORDERED THAT oral argument on these motions shall take place on Wednesday, January 13, 2010 at 1:30 P.M. in Courtroom 3A.

At that time, the court is specifically interested in hearing how the recent decision in Minard Run Co. et al. v. United States Forest Service, No. 09-125 (W.D. Pa. Dec. 15, 2009)

(McLaughlin, J.) has impacted the parties' positions with respect to the pending motions for summary judgment. Particularly, if this court adopts the reasoning and analysis of Judge McLaughlin's opinion in Minard Run, can defendant and defendant-intervenor prevail in this case?

BY THE COURT:



JH Lanier, Chief J.

cc: All Counsel of Record